

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes May 31, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 31, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Porter, Reveal, Shively, Wang, WencI; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Oliver, Schertler, Spaulding, Ward, and Wickiser.

Commissioners Absent: Ms. *Thao, and Messrs. *Makarios, *Nelson, and *Ochs.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Kate Reilly, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 17, 2013.

Chair WencI announced that the minutes are not available at this time. However they will be ready for approval at the June 14, 2013 meeting.

II. Chair's Announcements

Chair WencI had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that she had sent out an email to the Planning Commissioners asking if they wanted to become a member or renew their membership with the American Planning Association (APA). As Planning Commissioners they are given a special group membership rate so unlike in previous years the membership fee needs to be sent in as a group. Commissioners will need to make check payable to: City of Saint Paul. Checks will be accepted today and at the next Planning Commission meeting.

IV. PUBLIC HEARING:

Chair WencI announced that the Saint Paul Planning Commission was holding a public hearing on the Auto Body Text Amendments. Notice of the public hearing was published in the Legal Ledger on May 20, 2013, and was mailed to the citywide Early Notification System list and other interested parties.

Chair WencI read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. Peter Latuff, owner of Latuff Brothers Auto Body shop at 880 University Avenue, said he is concerned about the requirement for closed service bay doors, and asked how auto body shops differ from a mechanical shop, muffler shop or any other auto service shop. They all use the same tools and the noise level of an auto body shop is very low. All painting is done inside a closed booth, and they're regulated by OSHA and the EPA. Mr. Latuff asked about the goal of the draft amendments and whether they are citywide.

Donna Drummond, Planning Director, said that the proposal is to add auto body shop as a conditional use in the T4 Traditional Neighborhood District and B3 General Business District, so that would be citywide where ever those districts are located.

Mr. Latuff asked about the reason for the requirement for closed service bay doors.

Kate Reilly, PED staff said it's to address any potential for noise and pollutant type issues.

Chair Wencil suggested that Mr. Latuff give his rationale as to when he thinks that service bay doors should be left open rather than closed as this amendment proposes.

Mr. Latuff said that most shops in the Twin Cities area run with their doors open during the summer period because they are not air conditioned. Bringing cars out of the paint booth that are 160 degrees into an enclosed building with the door shut it is going to heat the building up immensely. His building has air conditioning but he is worried about the businesses that don't have air conditioning. And even though he has air conditioning in his building the fact is that people like to have the doors open in the spring to get some fresh air after being closed up all winter. A body shop it is no noisier than a muffler shop or a mechanical shop; they use the same ratchets, air guns and other tools. As for trash, he does not have a problem putting his trash in an enclosed dumpster, but enclosing it with a fence can create a problem when there is a need to move snow away from the fences so they can get in.

Commissioner Connolly asked about Mr. Latuff's opinion on requiring that vehicles waiting to be repaired must be stored within an enclosed building, and his opinion about the 10 foot buffer area with screen planting.

Mr. Latuff replied that a 10 foot buffer could be done but may mean loss of valuable limited space. A solid fence would be a target for graffiti so maybe a chain link fence with some plantings in front would be effective and more attractive.

Commissioner Connolly asked about the idea of cars being stored inside.

Mr. Latuff said that at night they put everything inside their two buildings, but customer and employee cars are parked outside during the day.

Commissioner Porter if having the doors closed would effect ventilation and air quality.

Mr. Latuff said in his shop they change the air 8 times an hour so it won't affect his shop. His concern is for small shops with 2 or 3 employees that don't have the resources to put in a ventilation system, where having the doors closed would be stifling.

Ms. Drummond clarified that any new requirements would not be applied to an existing business; they would be legally nonconforming.

Commissioner Oliver asked if Latuff's shop takes in salvage title vehicles to work on.

Mr. Latuff said no. Most collision repair centers just do insurance type repairs and do not deal with salvage title cars.

2. Ron Fiscus, with Landscape Partners representing ABRA Auto Body and Glass at 1190 University Avenue, said he began to work with City staff in 2011 about ways that they might modify the zoning ordinance to allow ABRA and ABRA-type collision centers to continue to operate in places like University Avenue. Most communities deal with collision centers as conditional commercial uses in business districts rather than as industrial uses. The conditional use permit process provides for case-by-case consideration in the context of a particular site and area, to address neighborhood concerns and special circumstances and conditions. Insurance companies want collision centers in high profile business areas to make sure that their clients are going to a clean, easy to find location and are well treated after an accident. ABRA has overcome the stereotype of auto body repair as being a back alley greasy place with auto parts laying all over the place. Mr. Fiscus has talked with City staff about the issues that are critical for auto body repair to be an appropriate use in a T4 zoning district, such as all vehicle repairs in a building, all storage of vehicles within an enclosure (not necessarily in a building but behind a wall or fence), noise and odor control, and sufficient site size. Regarding the particular context of the ABRA site on University Avenue in a T4 traditional neighborhood district intended for higher density development, both ABRA and the property owner are interested in developing the University Avenue frontage of the property for higher density potentially mixed use. The ABRA building is far back on the parcel, which is large enough for such development. ABRA is frequently involved with neighborhood redevelopment and fits in well as part of mixed-use projects such as a high-end commercial-residential Buckhead neighborhood development in Atlanta, a lifestyle commercial center adjacent to residential in the Stapleton Airport redevelopment project in Colorado, and a neighborhood shopping center in Colorado Springs.

Commissioner Ward asked who owns the ABRA property in Saint Paul.

Mr. Fiscus said that ABRA is in a lease situation, and typically has 10-20 year leases.

Commissioner Ward asked about fencing and security concerns if vehicles are outside at night.

Mr. Fiscus said if there isn't a fence or other means of restricting access there would be concern about leaving the cars out at night. ABRA has been using vinyl fences rather than chain link fences, and has found that they work well. It's sort of out of sight out of mind, if there's a 6 foot or 8 foot fence and there isn't great visual access as to what is going on inside the fence then they have very few problems. To an extent they do move cars inside at night but they don't have any particular problem with storing vehicles outside as long as they are enclosed with a screening fence.

Commissioner Connolly asked about the impetus for the study.

Donna Drummond, Planning Director, said that the study was initiated because the ABRA site on University Avenue fell into a sort of zoning limbo. The Central Corridor Zoning Study was able to address a lot of existing facilities like Mr. Latuff's because they became legal nonconforming uses. ABRA was an accessory use to an auto dealership and when the dealership went away the City Council approved an interim use permit. When it expired at the end of last year, the council renewed it and asked the Planning Commission to look at the zoning to see what might be done to allow such uses. An interim use can't go on forever.

Commissioner Noecker asked about the 30,000 square foot lot area minimum. If a shop meets all of the other criteria why does the lot need to be a certain size?

Mr. Fiscus said there was concern that lots be large enough to handle the vehicle load on something close to the peak day after the first snowfall of the season. 90% of customers come in by appointment so they can adjust how many vehicles are on the site at any given day to some extent, but they still need to handle those peak loads. They want to avoid shops getting overloaded and having cars parked on adjacent streets.

Commissioner Noecker asked if condition (b) requiring all cars awaiting repair to be in an enclosed area would be adequate to avoid that problem.

Mr. Fiscus said sometimes zoning standards can help to avoid a problem. City staff proposed a minimum lot size and they have no objection to it. 30,000 square feet is smaller than typical ABRA sites and large enough to provide for ample site size.

Commissioner Edgerton said that he knows that it doesn't apply to existing shops, but would many of the existing smaller shops not meet the 30,000 square foot minimum.

Allan Torstenson, PED Staff said that conditions (b) through (e) would apply only in traditional neighborhood, business, and IR districts. Most existing smaller auto body shops are in I1 or I2 districts where the minimum lot size standard wouldn't apply.

Commissioner Spaulding asked about alternatives to text amendments to deal with auto body shop issues.

Mr. Torstenson said that some existing auto body shops along University Avenue became nonconforming uses under new T district zoning. Because of a history of problems with some auto body shops in neighborhood locations, the Zoning Code was amended in the 1980s to eliminate auto body shops as a principal use permitted in B3, which also made a lot of existing auto body shops nonconforming. The Zoning Code reasonably provides for existing legal nonconforming uses to remain until they are discontinued but prevents new ones, thus gradually bringing uses into conformance. While auto body shops and collision repair are needed services, nice to have in convenient locations, zoning amendments over the years have substantially limited options for them to be located in commercial areas. What we are doing now is stepping back and asking whether auto body shops should be permitted only in industrial districts or also permitted in B3 and T4 districts with appropriate standards and conditions to provide for the kind of collision repair services that may fit well in more convenient locations in commercial areas without creating problems.

Mr. Fiscus said that an interim use can't go on forever, which creates practical problems for the existing ABRA business in a T4 district along University Avenue. Permitting them to be there with a conditional use permit provides for special conditions so the use fits the particular location.

3. Chuck Repke, representing the District 2 Community Council, said they oppose the proposed changes to Section 65.701 because opening up the zoning code to allow auto body shops does nothing to improve commercial business districts and will have a negative impact. The problems with odors, noise, and unsightliness that generated neighborhood complaints resulting in the City restricting new auto body shops to industrial area thirty years ago are still true today, and the proposed standards and conditions will do nothing to improve the situation. Standard (a), a ten foot buffer area, will do nothing to protect residential uses in traditional neighborhood or commercial zones or non-industrial uses that would be adjoining this use. The lack of any substantial proposed distance separation between the auto body shop property and residential property will have a major negative effect on the enjoyment of surrounding property. Standard (b), that all repair work shall be done within an enclosed building and vehicles awaiting repair stored within an area enclosed by wall or fence, demonstrated that auto body work is ugly and would be detrimental to the neighborhood. Instead of requiring a well-designed brick wall the standard would allow a fence that provides opaque screen, such as a cyclone fence with ugly vinyl slats. There is no proposed standard or condition to regulate the location of the required enclosed wall or fenced area. Condition (c), doors to repair service bays shall be closed, is unenforceable. District 2 cannot understand what benefit there would be to designate auto body shop as a conditional use in the TN4 traditional neighborhood district and in the B3 general business district. There are no residential or non-auto related commercial uses that want to be located adjacent to auto body repair shops. Every land owner in Saint Paul has been protected for the last 30 years from this use appearing next to their property outside of industrial areas. With this proposed change that protection is gone for the benefit almost no one. This appears to be an effort to appease one auto body franchiser that is recognized as a national leader. To assume that all auto body shops would operate to their standard would be foolish.

Chair Wencl noted that a letter from the District 1 Community Council, a letter from the Payne Phalen District 5 Planning Council, and written testimony from Chuck Repke, District 2 Community Council, has been received.

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 3, 2013, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, May 28, 2013:

- Great River School, 5,000 square foot classroom addition at 1326 Energy Park Drive.
- J&P Trading Company, 30,000 square foot warehouse addition at 295 State Street.

Two items to come before the Site Plan Review Committee on Tuesday, June 4, 2013:

- BNSF-Midway Hub Paving Drainage (Phase 6), replace pavement and install storm sewer improvements in rail yard at 1701 Pierce Butler Route.
- Brackey Stormwater Improvements, regrade, pave and install stormwater improvements on portions of vacant parcels at 1360 Rice Street.

NO BUSINESS

VI. **Capitol Region Watershed District: Overview of Purpose, Requirements, and Effect on Development** – Informational presentation by Mark Doneux, Administrator, Capitol Region Watershed District.

Mark Doneux, Administrator, Capitol Region Watershed District gave an overview of purpose, requirements and effect on development. He said that they are a special purpose unit of local government and their boundaries are based on the watershed or drainage boundaries. Their purpose is to manage water resources. The Watershed District law in Minnesota has been around since the 1950's and currently there are about 49 watershed districts throughout the state of Minnesota. Their board is appointed by Ramsey County. They plan and design building management projects, and own and operate drainage systems. For example, the Capitol Region Watershed District (CRWD) owns and operates the Trout Brook storm sewer. The CRWD regulates development as it relates to water management. They are funded primarily through a tax levy, but also can borrow funds and accept grants.

Mr. Doneux showed a map of the 14 metropolitan area watershed districts currently in place. CRWD was formed in 1998, by a citizen petition of neighbors around Como Lake who were looking for improved water management in Como Lake watershed. They petitioned the state of Minnesota to form a watershed district. The CRWD management plan was updated in 2010, and that management plan really guides their activities and programming. Physically, the district includes about 41 square miles and portions of 5 cities. The Mississippi River is their primary receiving water, and there are 5 lakes and numerous wetlands in the district. The watershed district is 42% impervious, which is one of the challenges they face. Some of the challenges include population density as 1 out of 20 Minnesotans live within the Capitol Region Watershed District even though it is very small. Working with people and educating the public is important. Almost all of the water features in the district have been lost over time, with landscapes that have been highly altered. Their projects and programs focus on reducing run off and improving water quality. The district initially created review criteria for new development and worked with the City's site plan review process to make recommendations for water quality improvement. This was eventually followed by the establishment of regulations and permits for new development that must be received from CRWD. They have been issuing permits for 7 years, which is a total of almost 200 permits or roughly 30 permits a year. They have been able to treat 1100 acres of land in their watershed through these developments.

Maintenance is required on all of storm water management practices; some have higher levels of maintenance and some have lower, but they all require maintenance. For public projects they negotiate a memorandum of agreement with the public agency regarding maintenance. For private projects they record a maintenance agreement that stays with the property so if it is sold

the agreement rides with the property. Capitol Region Watershed District is in the early stages of trying to develop a maintenance cooperative, especially for smaller properties. Large developments like Menards and Target hire companies that do all of the maintenance for them. The concern is with smaller businesses that often don't have the expertise or time to manage maintenance. A cooperative could result in a more efficient, lower cost, and consistent maintenance system.

Commissioner Reveal said that in the West Side Task Force's work on an updated master plan, stormwater treatment is becoming the most significant issue. They are working on trying to blend public art, public amenity and stormwater treatment alternatives with new technologies. She hopes that Capitol Region Watershed District will keep in mind these types of approaches to stormwater management.

Commissioner Schertler noted the City's decision to do sewer separation years ago and reduce stormwater flooding with a centralized system instead of focusing on treating stormwater on individual properties. He wondered about the costs and benefits of both approaches. Second, he noted the challenges of reinvesting in built cities and is there concern that we are adding another barrier to investment in the core with these regulations? We are shifting the cost of achieving this overall community benefit to property owners who are redeveloping.

Mr. Doneux said there are regional stormwater systems with regional banks that are being evaluated. Those are used more as a bank when specific sites can't provide on-site treatment. However, stormwater is not waste water and you could do it regionally, completely on a regional basis but it's kind of the opposite of waste water and treating it where it lands initially is the most effective. When that is not possible there are backup systems like the regional approaches.

Commissioner Lindeke asked where the money for the CRWD budget comes from.

Mr. Doneux said that a lot of it is coming from the state of Minnesota, citing the example of the major reconfiguration of the storm sewer system along 35E for the new Cayuga Bridge. So a big chunk of the budget for this year is a reimbursement from the Department of Transportation for that project. They also have some clean water legacy grants and some other partner funding. Typically 75% of their budget or revenue comes from their tax levy.

Commissioner Edgerton said he doesn't think there has been a solid cost benefit analysis of the regional treatment. He talked about the kind of regional collection and treatment that doesn't dump it into the river, but reclaims it for reuse as grey water

Commissioner Wencil said that we have experienced about 15-years of rain gardens and the earlier rain gardens seem to be of one design. Now there are some more creative plans for rain gardens, but what about the maintenance and upkeep for the older gardens?

Mr. Doneux said the approach now is to create a design that considers the maintenance and who is doing the maintenance. Some of the early rain gardens may have been over designed. They have really reduced the number of plant species to 3, 4 or 5 and they're even starting to move toward shrubs. Shrubs have the advantage that when they leaf out they hide a little trash. Ultimately the owner is responsible for maintenance, which is why this maintenance cooperative concept is a way to make it easier for owners.

Mr. Drummond noted that Wes Saunders-Pearce, the Water Resources Coordinator for the City, was present and had given a presentation earlier in the year to the Planning Commission on the Central Corridor Green Infrastructure Study that is underway. She said the study will be concluding sometime this year and Wes would be invited back to give a presentation on the results of that study.

VII. Comprehensive Planning Committee

No report.

VIII. Neighborhood Planning Committee

Commissioner Oliver announced that the next Neighborhood Planning Committee meeting on Wednesday, June 5, 2013 has been cancelled.

IX. Transportation Committee

Commissioner Wang announced that at their last meeting they got update on Kellogg bridge work and an update on the Streetcar Feasibility Study. And the next Transportation Committee meeting for Monday, June 3, 2013 has been cancelled.

X. Communications Committee

No report.

XI. Task Force/Liaison Reports

No reports.

XII. Old Business

None.

XIII. New Business

None.

XIV. Adjournment

Meeting adjourned at 10:15 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved June 14, 2013

(Date)



Daniel Ward II
Secretary of the Planning Commission

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